REMARKS

Claims 1-3, 5-12, 15-18, 22-31, 33-41, 43, 44, 46-50, and 52-55 are currently pending. Claims 6-8 and 24-28 have been amended for clarification purposes in defining values "c" and "m." It is respectfully submitted that no new matter has been added.

The specification has been amended for clarification purposes. It is noted that the specification had recited that "c denotes the length of the spreading code of the received control signal." It is clear from the form of figures 5 and 6 that c/m represents a number and is the last number referenced by index "n." Furthermore, International Publication Number WO 00/77946, on page 8, lines 1-2, recites "m denotes the number of chips of said predetermined code period" and, on page 14, lines 25-29, recites "the obtained signal from which the spreading code has been removed is supplied to a first integrator Il which performs an integration over the shortest code length mτ." Since c/m is a unitless number, any units that express parameter "m" would also have to express parameter "c." Since mτ is a code length, "cτ" is a code length. Both parameters "m" and "c" are values proportional to their respective code lengths. The change to the specification reflects a correction of any perceived inconsistencies of the original disclosure. It is respectfully submitted that no new matter has been added.

The Patent Office rejected claims 1-3, 5-12, 15-18, 22-31, 33-41, 43, 44, 46-50, and 52-55 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Patent Office asserted that "the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention."

The Patent Office more specifically recited, page 2, line 18, through page 3, line 10 of the Office Action dated July 11, 2007, as follows:

> In claim 1, the claim appears to recite a method step of calculating a variance estimate by integrating and subtracting, the equation (3) in page 12 of the instant application. The specification describes that the variance estimate or the interference estimator is calculated by performing the equations of 5 and 6 in page 13 wherein c denotes the length of the spreading code of the received control signal, note lines 23-24, page 13, and m denotes the length of the shortest code period, note lines 1-2, page 12, wherein equations 5 and 6 perform over c/m. However, the claim recites "...calculating a variance estimate...by: integrating said despread sample signal over spreading code length...integrating a signal corresponding to a power of said despread sample signal over said plurality of spreading code lengths..." From the

claim limitations and the description of the specification, clearly the two are not the same. In order to calculate the variance estimate, the function is performed over c/m, and not as recited. Integrating over said spreading code length or said plurality of spreading code lengths are different from integrating over c/m. Therefore, the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art.

Applicant asserts that the claims were erroneously rejected as containing subject-matter which was not described in the specification as originally filed, in such a way that a person skilled in the art would understand the invention.

The Patent Office has specifically referred to parameters "m" and "c," as well as to equations 5, 6. Page 12, line 1 of the application as originally filed (International Publication Number WO 00/77946) recites: "m denotes the length of the shortest code period". Further, claim 5 of the present and original version includes a further definition of "m": "m denotes the number of chips of said predetermined code period". The Patent Office considers these two descriptions of parameter "m" to represent two different and contradictory definitions thereby rendering the disclosure not enabling a person skilled in the art in making and using the invention. This is wrong.

Applicant asserts the specification, as clarified, is in complete compliance with Section 35 U.S.C. 112, first paragraph, referenced by the US Patent Office.

As noted above, International Publication Number WO 00/77946, on page 8, lines 1-2, recites "m denotes the number of chips of said predetermined code period." When looking at the description of International Publication Number WO 00/77946, page 14, lines 25 – 29, as originally filed, the relation between the number of chips and shortest code length becomes clear: "... performs an integration over the shortest code length $m\tau$, wherein τ denotes the time duration of one chip of the spreading code."

Since c/m is a unitless number, any units that express parameter "m" would also have to express parameter "c." Since $m\tau$ is a code length, "$c\tau$" is a code length. Put another way, c is a value proportional to the spreading code length. The term "c/m" is merely an integer greater than one resulting from dividing the actual code length c by the shortest code length m, or, expressed another way, by dividing the number of chips of the actual code by the number of chips of the shortest code length.

Thus, the shortest code length consists of a number m of chips, with each chip having a time duration τ.

As a result, there is no discrepancy between the statements and definitions as used in the current claims, and the respective current description.

Regarding the dependent claims, the US Patent Office has simply objected to these claims due to their dependency on the objected independent claims. No further specific rejection reasons have been raised against these claims. So, because the rejection of the independent claims has been overcome, the dependent claims are also allowable.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 1-3, 5-12, 15-18, 22-31, 33-41, 43, 44, 46-50, and 52-55 under 35 U.S.C. 112, first paragraph, and to allow all of the pending claims 1-3, 5-12, 15-18, 22-31, 33-41, 43, 44, 46-50, and 52-55 as now presented for examination. An early notification of the allowability of claims 1-3, 5-12, 15-18, 22-31, 33-41, 43, 44, 46-50, and 52-55 is earnestly solicited.

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Respectfully submitted:

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

September 17, 2007   _Debra Bassett_
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